

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.20356 OF 1997

DATED: 02-08-2006

Between:

S.Muralidhar

... Petitioner

And:

Andhra Pradesh State Road Transport Corporation, Hyderabad
represented by its Chairman and another

... Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.20356 OF 1997

ORDER:

-

The writ petition is filed assailing the order of the 1st respondent dated.26-05-1997 and for a direction to the respondents to promote the petitioner as an Assistant Mechanical Engineer with effect from 05-12-1986, with all consequential and attendant benefits including the arrears of pay and allowances.

The petitioner has now retired. He retired on superannuation on 30-04-1997. He was directly recruited on 28-04-1961 as a "B" Grade apprentice in the 1st respondent- Corporation. He was later appointed as a Mechanic and thereafter to several intermediary positions and eventually as a Mechanical Foreman on 29-07-1977. The next promotional avenue is to the post of Assistant Mechanical Engineer. Admittedly it's a selection post and is graded as a Class (I)

Junior Scale post.

In December-1984 the petitioner was called along with other Mechanical Foremen for interview before the departmental selection committee to consider their cases for promotion as Assistant Mechanical Engineer. In the said selection three persons were selected, other than the petitioner and they were promoted as Assistant Mechanical Engineers. According to the petitioner, one of the candidates is his junior in the category of Mechanical Foreman. The petitioner claims superior, academic, technical and service record qualifications vis-à-vis Mr. Janardhana Rao a Junior, who was promoted as Assistant Mechanical Engineer while he was superseded. He made a representation on 29-10-1986 and several later too, at least to promote him on an *ad hoc* basis under Regulation.30 of the Regulations of the respondent-Corporation. On 12-03-1987 the petitioner's representation was rejected on the ground that he does not possess the qualifications for the post of Assistant Mechanical Engineer.

Aggrieved by the supersession of his claims for promotion as Assistant Mechanical Engineer and by the rejection of his representation by the 1st respondent's communication dated.12-03-1987, the petitioner filed W.P.No.2049 of 1988 seeking a direction to the respondents to consider his case for promotion as Assistant Mechanical Engineer from the date on which his immediate junior was so promoted and with attendant benefits. The writ petition was allowed by the judgment of this Court dated.07-07-1982 directing the respondent Nos.1 and 2 to consider the petitioner's case for promotion as Assistant Mechanical Engineer but without reference to the technical qualifications required for appointment as Assistant Mechanical Engineer. This Court also directed that the petitioner's case be considered by the respondents 1 and 2 in the light of the facts

obtaining after 19-10-1986 and on such re-consideration if respondents find the petitioner eligible and suitable for promotion to the post of Assistant Mechanical Engineer, he should be promoted on a proforma basis with effect from the date on which the vacancy of Assistant Mechanical Engineer was filled by promotion, subsequent to October-1986.

An application filed by the respondents for review of the judgment in W.P.No.2049 of 1988 was dismissed by this Court on 23-09-1992. The respondents then carried the matter by way of an appeal. Writ Appeal.1278 of 1992 was dismissed on 26-02-1997. Meanwhile pursuant to the interim orders in the Writ Appeal, the petitioner was considered and promoted as Assistant Mechanical Engineer under Regulation.30 of the Respondent-Corporation's Regulation, with effect from 21-12-1992 subject to the result of the appeal. The appeal having been dismissed the respondent's *ad hoc* promotion dated.21-12-1992 was treated as a regular promotion. The petitioner retired in 1997 as an Assistant Mechanical Engineer.

Alleging that the direction in W.P.No.2049 of 1988 as confirmed by the dismissal of W.A.No.1278 of 1992 has not been complied with by the respondents by reconsidering his case for promotion as Assistant Mechanical Engineer in the years 1986 and 1991, the petitioner has filed this writ petition seeking the relief already adverted to.

The Law Officer of the respondent-Corporation has filed a counter-affidavit on behalf of the respondents asserting that the judgment has been implemented. On behalf of the respondents, the record of the selection committee proceedings held on 02-05-1997 is produced. From a perusal of the record, it is seen that the selection committee assessed the suitability of the petitioner as on November-1986 for promotion as Assistant Mechanical Engineer and without reference to the technical qualifications required for the post as per the

guidelines for promotion prevailing at that time and by assessing his candidature by awarding marks for record of service, length of service, excellent performance-rewards, awards, reputation/integrity and interview. The selection committee recorded that the petitioner had not secured the minimum qualifying 60 marks in the selection and therefore the committee does not consider him fit for promotion in November-1986.

A similar re-assessment of the petitioner's case was undertaken for the period 1991. The petitioner again failed to secure the minimum qualifying marks and therefore the committee considered him unfit for promotion as Assistant Mechanical Engineer for the May-1991 selection also.

In the aforesaid circumstances and in view of the averments in the counter-affidavit and on the basis of the record of the departmental promotions committee/selection committee dated.02-05-1997, no merits are discernable in the writ petition.

The writ petition is accordingly dismissed. No order as to costs.

GODA RAGHURAM,J

2nd AUGUST 2006

***TSNR**